

REMARKS

Upon entry of the present amendment, claims 1, 2, and 3 will have been amended.

Initially, Applicant would like to thank the Examiner for acknowledging Applicant's claim of priority under 35 U.S.C. § 119 and for his indication that certified copies of the priority documents have been received. Further, Applicant would like to thank the Examiner for attaching the Notice of References cited and PTO-1449 form, the form having been appropriately initialed by the Examiner to indicate consideration of the cited documents.

In the outstanding Official Action, the Examiner rejected claims 1-3 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which application regards as the invention. Additionally, the Examiner rejected claims 1-3 under 35 U.S.C. § 103(a) as being unpatentable over TAKAHASHI (U.S. Patent No. 5,257,617). In view of the amendments to the claims, Applicant respectfully traverses each of these rejections.

Regarding the Examiner's rejection under 35 U.S.C. § 112, second paragraph, the Examiner indicated the phrase "the flexible insertion portion" is recited twice in claim 1 at lines 11-13 and that it was assumed that the Applicant intended the second occurrence of "the flexible insertion portion" at lines 12-13 to be "the outer sheath". Applicant has amended claim 1 herein to replace the second occurrence of "the flexible insertion portion" at lines 12-13 with "the outer sheath".

With respect to the Examiner's rejection under 35 U.S.C. § 103(a) as being unpatentable over TAKAHASHI ('617), Applicant has amended claim 1 without acquiescing in the propriety of the Examiner's rejection and solely to advance prosecution.

More specifically, TAKAHASHI ('617) discloses an endoscope including a transparent distal end cover 22 that is removably fitted over a distal end part 13 (col. 3, lines 42-47). Further, TAKAHASHI discloses that the distal end 22 may be pinched with the fingertips to deform the distal end cover 22, resulting in click pawls 43 and 44 moving in radially outward directions so that the click pawls 43 and 44 disengage from grooves 41 and 42 (col. 4, lines 37-45). However, TAKAHASHI specifically states that the click pawls 43 and 44 are engageable with grooves 41 and 42 in a radial direction (see, e.g., col. 4, lines 42-45).

Conversely, amended claim 1 recites a hook portion and a groove portion, in which the groove portion is engageable with the hook portion in a circumferential direction. This feature is clearly not contemplated nor disclosed in TAKAHASHI. Further, TAKAHASHI fails to disclose a hook portion that is disengaged from a groove portion when a tip end part of an outer sheath is rotated with respect to a tip end part of a flexible insertion portion. This feature is clearly recited in amended claim 1. Hence, the disclosure of TAKAHASHI is submitted to be clearly deficient with respect to the amended claimed recitations.

Applicant has also made minor, non-limiting amendments to claims 1, 2, and 3.

P23954.A02

Thus, in view of the amendments and arguments herein, Applicants submit that claims 1-3 are now in condition for allowance. With regard to dependent claims 2-3, Applicant asserts that they are allowable on their own merit, as well as because they depend directly from independent claim 1, which Applicant has shown to be allowable.

Thus, it is respectfully submitted that all of the claims in the present application are clearly patentable over the references cited by the Examiner, either alone or in combination, and an indication to such effect is respectfully requested, in due course.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections of the claims, as well as an indication of the allowability of each of the claims, in view of the herein-contained remarks.


SUMMARY AND CONCLUSION

Applicants believe that the present application is in condition for allowance, and respectfully request an indication to that effect. Applicants have amended the claims and argued their allowability. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the recited claims therein are respectfully requested and now believed to be appropriate.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Teruo OUCHI



Bruce H. Bernstein
Reg. No. 29,027

William Pieprz
Reg. No. 33,630

February 14, 2005
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191